

103D CONGRESS
1ST SESSION

S. 1349

To establish the Food Safety and Inspection Agency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3 (legislative day, JUNE 30), 1993

Mr. DURENBERGER introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To establish the Food Safety and Inspection Agency, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Food Safety and Inspection Agency Act of 1993”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.

TITLE I—FOOD SAFETY AND INSPECTION AGENCY

- Sec. 101. Establishment.
- Sec. 102. Assistant Directors.
- Sec. 103. Deputy Assistant Directors.

- Sec. 104. Office of the General Counsel.
- Sec. 105. Office of the Inspector General.
- Sec. 106. Bureau of Food Safety and Inspection Statistics.
- Sec. 107. Study of data needs.
- Sec. 108. Educational programs.
- Sec. 109. Employment restrictions.
- Sec. 110. Administrative provisions.
- Sec. 111. Inherently governmental functions.
- Sec. 112. Conforming amendments.

TITLE II—TRANSFER OF FOOD SAFETY AND INSPECTION FUNCTIONS

- Sec. 201. Transfer and administration of functions.
- Sec. 202. Determinations of certain functions.
- Sec. 203. Personnel provisions.
- Sec. 204. Delegation and assignment.
- Sec. 205. Reorganization.
- Sec. 206. Rules.
- Sec. 207. Transfer and allocations of appropriations and personnel.
- Sec. 208. Incidental transfers.
- Sec. 209. Effect on personnel.
- Sec. 210. Savings provisions.
- Sec. 211. Separability.
- Sec. 212. Transition.
- Sec. 213. References.
- Sec. 214. Additional conforming amendments.

TITLE III—COMMISSION ON FOOD SAFETY AND INSPECTION

- Sec. 301. Establishment.
- Sec. 302. Membership.
- Sec. 303. Uniform food safety and inspection system.
- Sec. 304. Powers of the Commission.
- Sec. 305. Administrative matters.

TITLE IV—GENERAL PROVISIONS

- Sec. 401. Reports.
- Sec. 402. Authorization of appropriations.
- Sec. 403. Effective date.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the Secretary of Agriculture, the Secretary
4 of Health and Human Services, and the Secretary of
5 Commerce regulate food safety and conduct food
6 safety inspections pursuant to different laws and
7 using different regulatory approaches;

1 (2) different laws and regulatory approaches,
2 fragmented responsibilities, and separate appropria-
3 tions have resulted in inconsistent inspections, dif-
4 ferent enforcement authorities, and duplicative and
5 overlapping efforts; and

6 (3) the creation of a single agency to conduct
7 food safety inspections should—

8 (A) increase efficiency by eliminating over-
9 lapping and duplicative efforts;

10 (B) eliminate illogical and inconsistent
11 treatment of food products that pose similar
12 risks;

13 (C) avoid problems historically associated
14 with interagency agreements;

15 (D) consolidate Federal food safety appro-
16 priations, thus allowing the agency to target
17 food safety resources where the resources are
18 most needed; and

19 (E) reduce administrative costs by elimi-
20 nating redundant overhead and by realizing
21 economies of scale.

22 (b) PURPOSES.—It is the purpose of this Act to—

23 (1) establish a single agency, the Food Safety
24 and Inspection Agency, to regulate food safety and
25 to conduct food safety inspections; and

1 (2) transfer food safety and inspection func-
2 tions to the Agency.

3 **SEC. 3. DEFINITIONS.**

4 As used in this Act (unless the context clearly re-
5 quires otherwise):

6 (1) AGENCY.—The term “Agency” means the
7 Food Safety and Inspection Agency established in
8 section 101(a).

9 (2) DIRECTOR.—The term “Director” means
10 the Director of the Agency appointed under section
11 101(b).

12 (3) FEDERAL AGENCY.—The term “Federal
13 agency” has the meaning given to the term “agen-
14 cy” by section 551(1) of title 5, United States Code.

15 (4) FUNCTION.—The term “function” means
16 any duty, obligation, power, authority, responsibility,
17 right, privilege, activity, or program.

18 (5) OFFICE.—The term “office” includes any
19 office, administration, agency, institute, unit, organi-
20 zational entity, or component thereof.

1 **TITLE I—FOOD SAFETY AND**
2 **INSPECTION AGENCY**

3 **SEC. 101. ESTABLISHMENT.**

4 (a) IN GENERAL.—The Food Safety and Inspection
5 Agency is established as an independent establishment (as
6 defined in section 104 of title 5, United States Code).

7 (b) DIRECTOR.—

8 (1) IN GENERAL.—There shall be at the head
9 of the Agency a Director of Food Safety and Inspec-
10 tion who shall be appointed by the President, by and
11 with the advice and consent of the Senate. The
12 Agency shall be administered under the supervision
13 and direction of the Director.

14 (2) DELEGATION OF SUPERVISORY AUTHOR-
15 ITY.—The Director may not assign duties for or del-
16 egate authority for the supervision of the Assistant
17 Directors, the General Counsel, the Associate Direc-
18 tor of Food Safety and Inspection Statistics, or the
19 Inspector General of the Agency to any officer of the
20 Agency other than the Deputy Director.

21 (3) DELEGATION OF OTHER FUNCTIONS.—Ex-
22 cept as described under paragraph (2) and section
23 102(b)(2) and notwithstanding any other provision
24 of law, the Director may delegate any functions in-
25 cluding the making of regulations to such officers

1 and employees of the Agency as the Director may
2 designate, and may authorize such successive
3 redelegations of the functions within the Agency as
4 determined to be necessary or appropriate.

5 (c) DEPUTY DIRECTOR.—

6 (1) IN GENERAL.—There shall be in the Agency
7 a Deputy Director of Food Safety and Inspection,
8 who shall be appointed by the President, by and
9 with the advice and consent of the Senate.

10 (2) DUTIES.—The Deputy Director shall per-
11 form such responsibilities as the Director shall pre-
12 scribe and shall act as the Director during the ab-
13 sence or disability of the Director or in the event of
14 a vacancy in the position of Director.

15 (d) OFFICE OF THE DIRECTOR.—The Office of the
16 Director shall consist of a Director and a Deputy Director
17 and may include an Executive Director and such other ex-
18 ecutive officers as the Director may determine to be nec-
19 essary.

20 (e) REGIONAL OFFICES.—The Director is authorized
21 to establish, alter, discontinue, or maintain such regional
22 or other field offices as the Director may determine to be
23 necessary to carry out the functions vested in the Director
24 or other officials of the Agency.

1 (f) INTERNATIONAL RESPONSIBILITIES OF THE DI-
2 RECTOR.—

3 (1) IN GENERAL.—In addition to exercising
4 other international responsibilities under other provi-
5 sions of law, the Director is—

6 (A) encouraged to assist the Secretary of
7 State in carrying out the primary responsibil-
8 ities of the Secretary of State for coordinating,
9 negotiating, implementing and participating in
10 international agreements, including participat-
11 ing in international organizations, relevant to
12 food safety and inspection; and

13 (B) authorized and encouraged to—

14 (i) conduct research on and apply ex-
15 isting research capabilities to the nature
16 and impacts of international food safety
17 and inspection problems and develop re-
18 sponses to the problems; and

19 (ii) provide technical and other assist-
20 ance to foreign countries and international
21 bodies to improve food safety and inspec-
22 tion.

23 (2) CONSULTATION.—The Secretary of State
24 shall consult with the Director and such other per-
25 sons as the Secretary of State determines to be ap-

1 appropriate on matters referred to in paragraph
2 (1)(A).

3 (g) AUTHORITY OF THE DIRECTOR WITHIN THE
4 AGENCY.—Except as otherwise provided in this Act, noth-
5 ing in this Act—

6 (1) authorizes the Director to require any ac-
7 tion by any officer of any executive department or
8 agency other than an officer or employee of the
9 Agency, except that this paragraph shall not affect
10 any authority provided for by any other provision of
11 law authorizing the Director to require any such ac-
12 tion;

13 (2) modifies any Federal law that is adminis-
14 tered by any executive department or agency; or

15 (3) transfers to the Agency any authority exer-
16 cised by any other Federal executive department or
17 agency prior to the effective date of this Act, except
18 the food safety and inspection authority exercised by
19 the Secretary of Agriculture, Secretary of Health
20 and Human Services, and the Secretary of Com-
21 merce.

22 (h) APPLICATION TO AGENCY ACTIVITIES.—This Act
23 applies only to activities of the Agency, except as otherwise
24 expressly provided in this Act.

1 **SEC. 102. ASSISTANT DIRECTORS.**

2 (a) ESTABLISHMENT OF POSITIONS.—There shall be
3 in the Agency such number of Assistant Directors, not to
4 exceed 8, as the Director shall determine, each of whom
5 shall be appointed by the President, by and with the advice
6 and consent of the Senate.

7 (b) DUTIES.—

8 (1) IN GENERAL.—The Director shall assign to
9 Assistant Directors such duties as the Director con-
10 sider appropriate, including—

11 (A) food safety;

12 (B) food inspections;

13 (C) enforcement;

14 (D) compliance monitoring;

15 (E) research and development;

16 (F) international affairs;

17 (G) policy, planning, and evaluation;

18 (H) congressional affairs;

19 (I) intergovernmental affairs;

20 (J) public affairs; and

21 (K) administration and resources manage-
22 ment, information resources management, pro-
23 curement and assistance management, and per-
24 sonnel and labor relations.

25 (c) DESIGNATION OF RESPONSIBILITIES PRIOR TO
26 CONFIRMATION.—Whenever the President submits the

1 name of an individual to the Senate for confirmation as
2 Assistant Director under this section, the President shall
3 state the particular duties of the Agency the individual
4 shall exercise on taking office.

5 (d) CHIEF INFORMATION RESOURCES OFFICER.—

6 (1) IN GENERAL.—The Director shall designate
7 the Assistant Director whose responsibilities include
8 information resource management functions as re-
9 quired by section 3506 of title 44, United States
10 Code, as the Chief Information Resources Officer of
11 the Agency.

12 (2) DUTIES.—The Chief Information Resources
13 Officer shall—

14 (A) advise the Director on information re-
15 source management activities of the Agency as
16 required by section 3506 of title 44, United
17 States Code;

18 (B) develop and maintain an information
19 resources management system for the Agency
20 that provides for—

21 (i) the conduct of and accountability
22 for any acquisitions made pursuant to a
23 delegation of authority under section 111
24 of the Federal Property and Administra-
25 tive Services Act of 1949 (40 U.S.C. 759);

1 (ii) the implementation of all applica-
2 ble government-wide and Agency informa-
3 tion policies, principles, standards, and
4 guidelines with respect to information col-
5 lection, paperwork reduction, privacy and
6 security of records, sharing and dissemina-
7 tion of information, acquisition and use of
8 information technology, and other informa-
9 tion resource management functions;

10 (iii) the periodic evaluation of and, as
11 needed, the planning and implementation
12 of improvements in the accuracy, complete-
13 ness, and reliability of data and records
14 contained within Agency information sys-
15 tems; and

16 (iv) the development and annual revi-
17 sion of a 5-year plan for meeting the infor-
18 mation technology needs of the Agency;
19 and

20 (C) report to the Director as required
21 under section 3506 of title 44, United States
22 Code.

1 **SEC. 103. DEPUTY ASSISTANT DIRECTORS.**

2 (a) ESTABLISHMENT OF POSITIONS.—There shall be
3 in the Agency such number of Deputy Assistant Directors
4 as the Director may determine.

5 (b) APPOINTMENTS.—Each Deputy Assistant Direc-
6 tor—

7 (1) shall be appointed by the Director; and

8 (2) shall perform such functions as the Director
9 shall prescribe.

10 (c) DUTIES.—Duties assigned to an Assistant Direc-
11 tor under section 102(b) may be performed by one or more
12 Deputy Assistant Directors appointed to assist the Assist-
13 ant Director.

14 **SEC. 104. OFFICE OF THE GENERAL COUNSEL.**

15 (a) IN GENERAL.—There shall be in the Agency the
16 Office of the General Counsel.

17 (b) GENERAL COUNSEL.—

18 (1) IN GENERAL.—There shall be at the head
19 of the office a General Counsel who shall be ap-
20 pointed by the President, by and with the advice and
21 consent of the Senate.

22 (2) DUTIES.—The General Counsel shall be the
23 chief legal officer of the Agency and shall provide
24 legal assistance to the Director concerning the pro-
25 grams and policies of the Agency.

1 **SEC. 105. OFFICE OF THE INSPECTOR GENERAL.**

2 (a) IN GENERAL.—There shall be in the Agency the
3 Office of the Inspector General.

4 (b) INSPECTOR GENERAL.—

5 (1) IN GENERAL.—There shall be at the head
6 of the office an Inspector General who shall be ap-
7 pointed by the President, by and with the advice and
8 consent of the Senate.

9 (2) DUTIES.—The Inspector General shall carry
10 out such duties and responsibilities, and may exer-
11 cise such authorities, with respect to the Agency as
12 are provided in the Inspector General Act of 1978
13 (5 U.S.C. App. 3).

14 **SEC. 106. BUREAU OF FOOD SAFETY AND INSPECTION STA-**
15 **TISTICS.**

16 (a) ESTABLISHMENT.—

17 (1) IN GENERAL.—There is established within
18 the Agency a Bureau of Food Safety and Inspection
19 Statistics.

20 (2) DUTIES.—The Bureau shall be responsible
21 for—

22 (A) compiling, analyzing, and publishing a
23 comprehensive set of food safety and inspection
24 statistics that permit timely summary in the
25 form of industrywide aggregates, multiyear

1 averages, or totals or some similar form and in-
2 clude information on—

3 (i) the nature, source, and quantity of
4 contaminants in food; and

5 (ii) the effects on the public of the
6 contaminants;

7 (B) promulgating guidelines for the collec-
8 tion of information by the Agency required for
9 the statistics under this paragraph to ensure
10 that the information is accurate, reliable, rel-
11 evant, and in a form that permits systematic
12 analysis;

13 (C) coordinating the collection of informa-
14 tion by the Agency for developing the statistics
15 with related information-gathering activities
16 conducted by other Federal agencies;

17 (D) making readily accessible the statistics
18 published under this paragraph; and

19 (E) identifying missing information of the
20 kind described under clauses (i) and (ii) of sub-
21 paragraph (A), reviewing the information needs
22 at least annually, and making recommendations
23 to the appropriate Agency officials concerning
24 extramural and intramural research programs
25 to provide the information.

1 (3) OTHER AGENCIES.—Nothing in paragraph
2 (2) shall authorize the Bureau to require the collec-
3 tion of any data by any other Agency or State or
4 local government. The Bureau shall not duplicate
5 the information collection functions of other Federal
6 agencies.

7 (4) CONFIDENTIALITY.—

8 (A) IN GENERAL.—Information compiled
9 by the Bureau that has been submitted for pur-
10 poses of statistical reporting requirements of
11 this Act shall not be disclosed publicly in a
12 manner that would reveal the identity of the
13 submitter, including submissions by Federal,
14 State, or local governments, or reveal the iden-
15 tity of any individual consistent with section
16 552a of title 5, United States Code.

17 (B) AVAILABILITY UNDER OTHER PROVI-
18 SIONS OF LAW.—This paragraph shall not af-
19 fect the availability of data provided to the
20 Agency under any other provision of law admin-
21 istered by the Agency.

22 (C) CONFIDENTIALITY PROVISIONS OF
23 OTHER LAWS.—The confidentiality provisions of
24 other laws authorizing the collection of food

1 safety and inspection statistics shall apply to
2 this Act.

3 (5) GRANT AND CONTRACT AUTHORITY FOR
4 CERTAIN ACTIVITIES.—The Director may make
5 grants to and enter into contracts with State and
6 local governments, Indian tribes, universities, and
7 other organizations to assist them in meeting the
8 costs of collecting specific data and other short-term
9 activities that are related to the responsibilities and
10 functions under subparagraphs (A) through (D) of
11 paragraph (1).

12 (b) ASSOCIATE DIRECTOR OF FOOD SAFETY AND IN-
13 SPECTION STATISTICS.—

14 (1) IN GENERAL.—The Bureau shall be under
15 the direction of an Associate Director of Food Safe-
16 ty and Inspection Statistics (referred to in this sec-
17 tion as the “Associate Director”) who shall be ap-
18 pointed by the President, by and with the advice and
19 consent of the Senate.

20 (2) TERM.—The term of the Associate Director
21 shall be 4 years.

22 (3) QUALIFICATIONS.—The Associate Director
23 shall be a qualified individual with experience in the
24 compilation and analysis of food safety and inspec-
25 tion statistics.

1 (4) REPORTING.—The Associate Director shall
2 report directly to the Director.

3 (c) ANNUAL REPORT.—On July 1, 1995, and each
4 July 1 thereafter, the Associate Director shall submit to
5 the President a Food Safety and Inspection Statistics An-
6 nual Report (referred to in this subsection as the “Re-
7 port”). The Report shall include—

8 (1) statistics on food safety and inspections;

9 (2) statistics on the effects of changes in food
10 safety;

11 (3) documentation of the method used to obtain
12 and ensure the quality of the statistics presented in
13 the Report;

14 (4) economic information on the current and
15 projected costs and benefits of food safety and in-
16 spections; and

17 (5) recommendations on improving food safety
18 and inspection statistical information.

19 (d) CONTINUING PERFORMANCE OF THE FUNCTIONS
20 OF THE ASSOCIATE DIRECTOR PENDING CONFIRMA-
21 TION.—An individual who, on the effective date of this
22 Act, is performing any of the functions required by this
23 section to be performed by the Associate Director may
24 continue to perform the functions until the functions are

1 assigned to an individual appointed as the Associate Di-
2 rector under this Act.

3 (e) ADVISORY COUNCIL ON FOOD SAFETY AND IN-
4 SPECTION STATISTICS.—

5 (1) IN GENERAL.—The Associate Director shall
6 appoint an Advisory Council on Food Safety and In-
7 spection Statistics, comprised of no more than 6 pri-
8 vate citizens who have expertise in food safety and
9 inspection statistics and analysis, who are equally
10 representative of agricultural, food processing, and
11 consumer interests, to advise the Associate Director
12 on food safety and inspection statistics and analyses,
13 including whether the statistics and analyses dis-
14 seminated by the Bureau are of high quality and are
15 based on the best available objective information.

16 (2) FEDERAL ADVISORY COMMITTEE ACT.—The
17 Council shall be subject to the provisions of the Fed-
18 eral Advisory Committee Act (5 U.S.C. App. 2).

19 (f) EDUCATIONAL PROGRAMS.—

20 (1) ESTABLISHMENT.—The Director shall, in
21 cooperation with State health agencies, establish
22 public education programs.

23 (2) CONTENT.—The public education programs
24 shall disseminate information to the public, through

1 the State health agencies, about food safety, includ-
2 ing—

3 (A) food-borne diseases;

4 (B) safe selection of food; and

5 (C) safe preparation of food.

6 **SEC. 107. STUDY OF DATA NEEDS.**

7 (a) AGREEMENT.—Not later than 1 year after the
8 start of operations of the Bureau of Food Safety and In-
9 spection Statistics, the Director, in consultation with the
10 Associate Director of Food Safety and Inspection and the
11 Assistant Director designated as Chief Information Re-
12 sources Officer, shall enter into an agreement with the Na-
13 tional Academy of Sciences for a study, evaluation, and
14 report on the adequacy of the data collection procedures
15 and capabilities of the Agency.

16 (b) REPORT.—

17 (1) IN GENERAL.—Not later than 18 months
18 after an agreement is entered into with the National
19 Academy of Sciences, the National Academy of
20 Sciences shall report the findings of the Academy to
21 Congress and the Director.

22 (2) COMPONENTS.—The report shall include an
23 evaluation of the data collection resources, needs,
24 and requirements of the Agency, and shall include
25 an assessment and evaluation of the following sys-

1 tems, capabilities, and procedures established by the
2 Agency to meet the needs and requirements:

3 (A) Data collection procedures and capa-
4 bilities.

5 (B) Data analysis procedures and capabili-
6 ties.

7 (C) The ability of data bases to integrate
8 with one another.

9 (D) Computer hardware and software ca-
10 pabilities.

11 (E) Management information systems, in-
12 cluding the ability of management information
13 systems to integrate with another.

14 (F) Agency personnel.

15 (G) The budgetary needs and resources of
16 the Agency for data collection, including an as-
17 sessment of the adequacy of the budgetary re-
18 sources provided to the Agency and budgetary
19 resources used by the Agency for data collection
20 needs and purposes.

21 (3) RECOMMENDATIONS.—The report shall in-
22 clude recommendations for improving the data col-
23 lection systems, capabilities, procedures, data collec-
24 tion, analytical hardware and software, and manage-
25 ment information systems of the Agency.

1 **SEC. 108. EDUCATIONAL PROGRAMS.**

2 (a) ESTABLISHMENT.—The Director shall, in co-
3 operation with State health agencies, establish public edu-
4 cation programs.

5 (b) CONTENT.—The public education programs shall
6 disseminate information to the public, through the State
7 health agencies, about food safety, including—

8 (1) food-borne diseases;

9 (2) safe selection of food; and

10 (3) safe preparation of food.

11 **SEC. 109. EMPLOYMENT RESTRICTIONS.**

12 Except as otherwise provided in this Act, political af-
13 filiation or political qualification may not be taken into
14 account in connection with the appointment of any person
15 to any position in the career civil service or in the assign-
16 ment or advancement of any career civil servant in the
17 Agency.

18 **SEC. 110. ADMINISTRATIVE PROVISIONS.**

19 (a) ACCEPTANCE OF MONEY AND PROPERTY.—

20 (1) IN GENERAL.—The Director may accept
21 and retain money, uncompensated services, and
22 other real and personal property or rights (whether
23 by gift, bequest, devise, or otherwise) for the pur-
24 pose of carrying out the programs and activities of
25 the Agency, except that the Director may not en-

1 dorse any company, product, organization, or serv-
2 ice.

3 (2) CREDIT AND DISBURSEMENT.—Gifts, be-
4 quests, and devises of money and proceeds from
5 sales of other property received as gifts, bequests, or
6 devises shall be credited to a separate fund in the
7 Treasury of the United States and shall be available
8 for disbursement on the order of the Director.

9 (3) CRITERIA.—

10 (A) IN GENERAL.—The Director shall pre-
11 scribe regulations and guidelines setting forth
12 the criteria the Agency shall use in determining
13 whether to accept a gift, bequest, or devise.

14 (B) FACTORS.—The criteria shall take into
15 account whether the acceptance of the property
16 would reflect unfavorably on the ability of the
17 Agency or an employee to carry out the official
18 duties of the Agency or employee in a fair and
19 objective manner, or would compromise the in-
20 tegrity of or the appearance of the integrity of
21 a Government program or any official involved
22 in the program.

23 (b) SEAL OF THE AGENCY.—

1 (1) IN GENERAL.—The Director shall cause a
2 seal for the Agency to be made with such design as
3 the Director shall approve.

4 (2) PENALTIES FOR UNAUTHORIZED USE OF
5 SEAL.—

6 (A) IN GENERAL.—Chapter 33 of title 18,
7 United States Code, is amended by adding at
8 the end the following new section:

9 **“§ 716. Food Safety and Inspection Agency Seal**

10 “(a) Whoever knowingly displays any printed or other
11 likeness of the official seal of the Food Safety and Inspec-
12 tion Agency, or any facsimile thereof, in, or in connection
13 with, any advertisement, poster, circular, book, pamphlet,
14 or other publication, public meeting, play, motion picture,
15 telecast, or other production, or on any building, monu-
16 ment, or stationery, for the purpose of conveying, or in
17 a manner reasonably calculated to convey, a false impres-
18 sion of sponsorship or approval by the Government of the
19 United States or by any department, agency, or instru-
20 mentality thereof, shall be fined not more than \$250 or
21 imprisoned not more than 6 months, or both.

22 “(b) Whoever, except as authorized under regulations
23 promulgated by the Director of Food Safety and Inspec-
24 tion and published in the Federal Register, knowingly
25 manufactures, reproduces, sells, or purchases for resale,

1 either separately or appended to any article manufactured
 2 or sold, any likeness of the official seal of the Food Safety
 3 and Inspection Agency, or any substantial part thereof,
 4 except for manufacture or sale of the article for the official
 5 use of the Government of the United States, shall be fined
 6 not more than \$250 or imprisoned not more than 6
 7 months, or both.

8 “(c) A violation of subsection (a) or (b) may be en-
 9 joined at the suit of the Attorney General of the United
 10 States on complaint by any authorized representative of
 11 the Director of Food Safety and Inspection.”.

12 (B) CONFORMING AMENDMENT.—The
 13 table of sections for chapter 33 of title 18,
 14 United States Code, is amended by adding at
 15 the end the following new item:

“716. Food Safety and Inspection Agency Seal.”.

16 (c) ACQUISITION OF COPYRIGHTS AND PATENTS.—
 17 The Director is authorized to acquire any of the following
 18 described rights if the property acquired is for use by or
 19 for, or useful to, the Agency:

20 (1) Copyrights, patents, and applications for
 21 patents, designs, processes, and manufacturing data.

22 (2) Licenses under copyrights, patents, and ap-
 23 plications for patents.

24 (3) Releases, before suit is brought, for past in-
 25 fringement of patents or copyrights.

1 (d) ADVISORY COMMITTEE COMPENSATION.—The
2 Director is authorized to pay members of advisory commit-
3 tees and others who perform services as authorized under
4 section 3109 of title 5, United States Code, at rates for
5 individuals not to exceed the per diem rate equivalent to
6 the rate for level V of the Executive Schedule under sec-
7 tion 5316 of title 5, United States Code.

8 **SEC. 111. INHERENTLY GOVERNMENTAL FUNCTIONS.**

9 (a) DEFINITIONS.—As used in this section:

10 (1) CONSULTING SERVICES.—The term “con-
11 sulting services” includes—

12 (A) management and professional support
13 services;

14 (B) studies, analyses, and evaluations;

15 (C) engineering and technical services, ex-
16 cluding routine engineering services, such as
17 automated data processing and architect and
18 engineering contracts; and

19 (D) research and development.

20 (2) INHERENTLY GOVERNMENTAL FUNCTION.—

21 The term “inherently governmental function” means
22 any activity that is so intimately related to the pub-
23 lic interest as to mandate performance by a Govern-
24 ment officer or employee, including an activity that
25 requires the exercise of discretion in applying Gov-

1 ernment authority or the use of value judgment in
2 making a decision for the Government.

3 (b) GOVERNMENT OFFICERS AND EMPLOYEES.—

4 (1) IN GENERAL.—An inherently governmental
5 function of the Agency shall be performed only by an
6 officer or employee of the United States.

7 (2) CONSTRUCTION.—This subsection is not in-
8 tended, and may not be construed, to create any
9 right or benefit, substantive or procedural, enforce-
10 able at law by a party against the United States, the
11 Agency, an officer or employee of the Agency, or any
12 person.

13 (3) REGULATIONS.—The Director shall promul-
14 gate regulations or internal guidelines to carry out
15 this subsection.

16 (c) CONFLICTS OF INTEREST.—

17 (1) IN GENERAL.—The Director shall by regu-
18 lation require any person proposing to enter into a
19 contract, grant, or cooperative agreement whether by
20 sealed bid or negotiation, for the conduct of re-
21 search, development, evaluation activities, or for con-
22 sulting services, to provide the Director, prior to en-
23 tering into any such contract, agreement, or ar-
24 rangement, with all relevant information, as deter-
25 mined by the Director, bearing on whether the per-

1 son has a possible conflict of interest with respect
2 to—

3 (A) being able to render impartial, tech-
4 nically sound, or objective assistance or advice
5 in light of other activities or relationships with
6 other persons; or

7 (B) being given an unfair competitive ad-
8 vantage.

9 (2) SUBCONTRACTORS.—The person shall en-
10 sure, in accordance with regulations prescribed by
11 the Director, compliance with this section by sub-
12 contractors of the person who are engaged to per-
13 form similar services.

14 (d) AFFIRMATIVE FINDING; CONFLICTS OF INTER-
15 EST THAT CANNOT BE AVOIDED; MITIGATION OF CON-
16 FLICTS.—

17 (1) IN GENERAL.—Subject to paragraph (2),
18 the Director may not enter into a contract, agree-
19 ment, or arrangement described in subsection (c),
20 unless the Director affirmatively finds, after evaluat-
21 ing all the information and any other relevant infor-
22 mation otherwise available to the Director, that—

23 (A) there is little or no likelihood that a
24 conflict of interest would exist; or

1 (B) the conflict has been avoided after ap-
2 propriate conditions have been included in the
3 contract, agreement, or arrangement.

4 (2) MITIGATING CONDITIONS.—If the Director
5 determines that a conflict of interest exists and that
6 the conflict of interest cannot be avoided by includ-
7 ing appropriate conditions in the contract, agree-
8 ment, or arrangement, the Director may enter into
9 the contract, agreement, or arrangement, if the Di-
10 rector—

11 (A) determines that it is in the best inter-
12 ests of the United States; and

13 (B) includes appropriate conditions in the
14 contract, agreement, or arrangement to miti-
15 gate the conflict.

16 (e) PUBLIC NOTICE REGARDING CONFLICTS OF IN-
17 TEREST.—The Director shall promulgate regulations that
18 require public notice to be given whenever the Director
19 determines that the award of a contract, agreement, or
20 arrangement may result in a conflict of interest that can-
21 not be avoided by including appropriate conditions in the
22 contract, agreement, or arrangement.

23 (f) DISCLAIMER.—Nothing in this section shall pre-
24 clude the Agency from promulgating regulations to mon-
25 itor potential conflicts after a contract award.

1 (g) CENTRAL FILE.—

2 (1) IN GENERAL.—The Director shall maintain
3 a central file regarding all cases when a public no-
4 tice is issued.

5 (2) OTHER INFORMATION.—The Director shall
6 also compile other information required under this
7 section.

8 (3) CONFIDENTIALITY.—Access to the informa-
9 tion described in this subsection shall be controlled
10 to safeguard any proprietary information.

11 (h) REGULATIONS.—No later than 120 days after the
12 effective date of this Act, the Director shall promulgate
13 regulations for the implementation of this section.

14 **SEC. 112. CONFORMING AMENDMENTS.**

15 (a) COMPENSATION, LEVEL II.—Section 5313 of title
16 5, United States Code, is amended by adding at the end
17 the following:

18 “Director of Food Safety and Inspection.”.

19 (b) COMPENSATION, LEVEL III.—Section 5314 of
20 title 5, United States Code, is amended by adding at the
21 end the following:

22 “Deputy Director of Food Safety and Inspec-
23 tion.”.

1 (c) COMPENSATION, LEVEL IV.—Section 5315 of
2 title 5, United States Code, is amended by adding at the
3 end the following:

4 “Inspector General, Food Safety and Inspection
5 Agency.

6 “Assistant Directors, Food Safety and Inspec-
7 tion Agency (12).

8 “General Counsel, Food Safety and Inspection
9 Agency.

10 “Chief Financial Officer, Food Safety and In-
11 spection Agency.”.

12 (d) COMPENSATION, LEVEL V.—Section 5316 of title
13 5, United States Code, is amended by adding at the end
14 the following:

15 “Associate Director of the Bureau of Environ-
16 mental Statistics, Food Safety and Inspection
17 Agency.”.

18 (e) INSPECTOR GENERAL ACT.—Section 11 of the
19 Inspector General Act of 1978 (5 U.S.C. App. 3) is
20 amended—

21 (1) in paragraph (1), by inserting before “; as
22 the case may be” the following: “; the Director of
23 Food Safety and Inspection”; and

24 (2) in paragraph (2)—

1 (A) by striking “Agency or” and inserting
2 “Agency,”; and

3 (B) by inserting before “; as the case may
4 be” the following: “, or the Food Safety and In-
5 spection Agency”.

6 **TITLE II—TRANSFER OF FOOD**
7 **SAFETY AND INSPECTION**
8 **FUNCTIONS**

9 **SEC. 201. TRANSFER AND ADMINISTRATION OF FUNCTIONS.**

10 (a) TRANSFER.—There are transferred to the Agency
11 all functions exercised before the effective date of this Act
12 (including all related functions of any officer or employee)
13 of or relating to food safety and inspection carried out
14 by—

15 (1) the Secretary of Agriculture, including food
16 safety and inspection functions carried out under—

17 (A) the Agricultural Marketing Act of
18 1946 (7 U.S.C. 1621 et seq.);

19 (B) the Egg Products Inspection Act (21
20 U.S.C. 1031 et seq.);

21 (C) the Federal Meat Inspection Act (21
22 U.S.C. 601 et seq.);

23 (D) the Poultry Products Inspection Act
24 (21 U.S.C. 451 et seq.); and

1 (E) the United States Grain Standards
2 Act (7 U.S.C. 71 et seq.).

3 (2) the Secretary of Health and Human Serv-
4 ices, including food safety and inspection functions
5 carried out under the Federal Food, Drug, and Cos-
6 metic Act (21 U.S.C. 301 et seq.);

7 (3) the Secretary of Commerce, including food
8 safety and inspection functions relating to seafood
9 and seafood products; and

10 (4) the Secretary of the Interior, including food
11 safety and inspection functions carried out under the
12 Fish and Wildlife Act of 1956 (16 U.S.C. 742a et
13 seq.).

14 (b) ADMINISTRATION.—Notwithstanding any other
15 provision of law, in carrying out the functions transferred
16 by subsection (a), the Director shall, to the maximum ex-
17 tent practicable—

18 (1) conduct inspections that are based on the
19 health risk inherent in the commodity, the process-
20 ing operation, and the record of compliance with
21 Federal food safety laws; and

22 (2) take such actions as are necessary for effec-
23 tive oversight and enforcement of the laws.

1 **SEC. 202. DETERMINATIONS OF CERTAIN FUNCTIONS.**

2 If necessary, the Director of the Office of Manage-
3 ment and Budget shall, after thorough consultation with
4 the appropriate Committees of the House and Senate,
5 make a determination of the functions that are transferred
6 under this title.

7 **SEC. 203. PERSONNEL PROVISIONS.**

8 (a) APPOINTMENTS.—

9 (1) IN GENERAL.—The Director may appoint
10 and fix the compensation of such officers and em-
11 ployees (including investigators, attorneys, and ad-
12 ministrative law judges) as may be necessary to
13 carry out the respective functions transferred under
14 this title.

15 (2) CIVIL SERVICE.—Except as otherwise pro-
16 vided by law, the officers and employees shall be ap-
17 pointed in accordance with the civil service laws and
18 the compensation of the officers and employees fixed
19 in accordance with title 5, United States Code.

20 (b) EXPERTS AND CONSULTANTS.—

21 (1) IN GENERAL.—To carry out this title, the
22 Director may obtain the services of experts and con-
23 sultants in accordance with section 3109 of title 5,
24 United States Code, and compensate the experts and
25 consultants for each day (including travel time) at
26 rates not in excess of the rate of pay for level IV of

1 the Executive Schedule under section 5315 of such
2 title.

3 (2) TRAVEL EXPENSES.—To carry out this
4 title, the Director may pay experts and consultants
5 who are serving away from their homes or regular
6 places of business travel expenses and a per diem in
7 lieu of subsistence at rates authorized by sections
8 5702 and 5703 of such title for persons in Govern-
9 ment service employed intermittently.

10 **SEC. 204. DELEGATION AND ASSIGNMENT.**

11 (a) IN GENERAL.—Unless otherwise expressly pro-
12 hibited by law or otherwise provided by this Act, the Direc-
13 tor may delegate any of the functions transferred by this
14 title, and any function transferred or granted after the
15 effective date of this Act, to such officers and employees
16 of the Agency as the Director may designate, and may
17 authorize successive redelegations of the functions as may
18 be necessary or appropriate.

19 (b) CONTINUING RESPONSIBILITY.—No delegation of
20 functions by the Director under this section or under any
21 other provision of this Act is intended to relieve the Direc-
22 tor of responsibility for the administration of the func-
23 tions.

1 **SEC. 205. REORGANIZATION.**

2 The Director is authorized to allocate or reallocate
3 any function transferred under this title among the offi-
4 cers of the Agency, and to establish, consolidate, alter, or
5 discontinue such organizational entities in the Agency as
6 may be necessary or appropriate.

7 **SEC. 206. RULES.**

8 The Director is authorized to prescribe, in accordance
9 with chapters 5 and 6 of title 5, United States Code, such
10 rules and regulations as the Director determines to be nec-
11 essary or appropriate to administer and manage the func-
12 tions of the Agency.

13 **SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIA-**
14 **TIONS AND PERSONNEL.**

15 (a) IN GENERAL.—Except as otherwise provided in
16 this title, the personnel employed in connection with, and
17 the assets, liabilities, contracts, property, records, and un-
18 expended balances of appropriations, authorizations, allo-
19 cations, and other funds employed, used, held, arising
20 from, available to, or to be made available in connection
21 with functions transferred by this title, subject to section
22 1531 of title 31, United States Code, shall be transferred
23 in accordance with this title.

24 (b) USE OF FUNDS.—Unexpended funds transferred
25 pursuant to this section shall be used only for the purposes

1 for which the funds were originally authorized and appro-
2 priated.

3 **SEC. 208. INCIDENTAL TRANSFERS.**

4 (a) IN GENERAL.—The Director of the Office of
5 Management and Budget, at such time as the Director
6 shall provide, is authorized to make such determinations
7 as may be necessary with regard to the functions trans-
8 ferred by this title, and to make such additional incidental
9 dispositions of personnel, assets, liabilities, grants, con-
10 tracts, property, records, and unexpended balances of ap-
11 propriations, authorizations, allocations, and other funds
12 held, used, arising from, available to, or to be made avail-
13 able in connection with the functions, as may be necessary
14 to carry out this title.

15 (b) TERMINATION OF AFFAIRS.—The Director of the
16 Office of Management and Budget shall provide for the
17 termination of the affairs of all entities terminated by this
18 title and for such further measures and dispositions as
19 may be necessary to effectuate the purposes of this title.

20 **SEC. 209. EFFECT ON PERSONNEL.**

21 (a) IN GENERAL.—Except as otherwise provided by
22 this title, the transfer pursuant to this title of full-time
23 personnel (except special Government employees) and
24 part-time personnel holding permanent positions is not in-
25 tended to cause any such employee to be separated or re-

1 duced in grade or compensation for 1 year after the date
2 of transfer of the employee under this title.

3 (b) EXECUTIVE SCHEDULE POSITIONS.—Except as
4 otherwise provided in this title, any person who, on the
5 day preceding the effective date of this Act, held a position
6 compensated in accordance with the Executive Schedule
7 prescribed in chapter 53 of title 5, United States Code,
8 and who, without a break in service, is appointed in the
9 Agency to a position having duties comparable to the du-
10 ties performed immediately preceding the appointment
11 shall continue to be compensated in the new position at
12 not less than the rate provided for the previous position,
13 for the duration of the service of the person in the new
14 position.

15 (c) TERMINATION OF CERTAIN POSITIONS.—A posi-
16 tion with an incumbent who is appointed by the President,
17 by and with the advice and consent of the Senate, the
18 functions of which are transferred by this title, shall termi-
19 nate on the effective date of this Act.

20 **SEC. 210. SAVINGS PROVISIONS.**

21 (a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—
22 An order, determination, rule, regulation, permit, agree-
23 ment, grant, contract, certificate, license, registration,
24 privilege, or other administrative action—

1 (1) that has been issued, made, granted, or al-
2 lowed to become effective by the President, any Fed-
3 eral agency or official of a Federal agency, or by a
4 court of competent jurisdiction, in the performance
5 of functions that are transferred under this title;
6 and

7 (2) that is in effect at the time this Act takes
8 effect, or was final before the effective date of this
9 Act and is to become effective on or after the effec-
10 tive date of this Act,

11 shall continue in effect according to the terms of the ac-
12 tion until modified, terminated, superseded, set aside, or
13 revoked in accordance with law by the President, the Di-
14 rector or other authorized official, a court of competent
15 jurisdiction, or by operation of law.

16 (b) PROCEEDINGS NOT AFFECTED.—

17 (1) IN GENERAL.—This title shall not affect
18 any proceeding (including a notice of proposed rule-
19 making) or any application for any license, permit,
20 certificate, or financial assistance pending before a
21 transferred office on the effective date of this Act,
22 with respect to functions transferred by this title.
23 The proceeding and application shall be continued.

24 (2) ORDERS.—An order shall be issued in the
25 proceeding, an appeal shall be taken from the order,

1 and a payment shall be made pursuant to the order,
2 as if this Act had not been enacted. An order issued
3 in the proceeding shall continue in effect until modi-
4 fied, terminated, superseded, or revoked by a duly
5 authorized official, by a court of competent jurisdic-
6 tion, or by operation of law.

7 (3) DISCONTINUANCE OR MODIFICATION.—
8 Nothing in this subsection is intended to prohibit the
9 discontinuance or modification of any such proceed-
10 ing under the same terms and conditions and to the
11 same extent as the proceeding could have been dis-
12 continued or modified if this Act had not been en-
13 acted.

14 (c) SUITS NOT AFFECTED.—This Act shall not affect
15 a suit commenced before the effective date of this Act.
16 In the suit, a proceeding shall be had, an appeal taken,
17 and a judgment rendered in the same manner and with
18 the same effect as if this Act had not been enacted.

19 (d) NONABATEMENT OF ACTIONS.—No suit, action,
20 or other proceeding commenced by or against a trans-
21 ferred office, or by or against any individual in the official
22 capacity of the individual as an officer of a transferred
23 office, shall abate by reason of the enactment of this Act.

24 (e) ADMINISTRATIVE ACTIONS RELATING TO PRO-
25 MULGATION OF REGULATIONS.—Any administrative ac-

1 tion relating to the preparation or promulgation of a regu-
2 lation by a transferred office relating to a function trans-
3 ferred under this title may be continued by the Agency
4 with the same effect as if this Act had not been enacted.

5 **SEC. 211. SEPARABILITY.**

6 If a provision of this Act or the application of this
7 Act to any person or circumstance is held invalid, neither
8 the remainder of this Act nor the application of the provi-
9 sion to other persons or circumstances shall be affected.

10 **SEC. 212. TRANSITION.**

11 The Director is authorized to utilize—

12 (1) the services of the officers, employees, and
13 other personnel of a transferred office with respect
14 to functions transferred by this title; and

15 (2) funds appropriated to the functions for such
16 period of time as may reasonably be needed to facili-
17 tate the orderly implementation of this Act.

18 **SEC. 213. REFERENCES.**

19 Each reference in any other Federal law, Executive
20 order, rule, regulation, or delegation of authority, or any
21 document of or relating to—

22 (1) the head of a transferred office with regard
23 to functions transferred under this title shall be
24 deemed to refer to the Director; and

1 (2) a transferred office with regard to functions
2 transferred under this title shall be deemed to refer
3 to the Agency.

4 **SEC. 214. ADDITIONAL CONFORMING AMENDMENTS.**

5 Not later than 180 days after the effective date of
6 this Act, if the Director determines (after consultation
7 with the appropriate committees of Congress and the Di-
8 rector of the Office of Management and Budget) that ad-
9 ditional technical and conforming amendments to Federal
10 statutes are necessary to carry out the changes made by
11 this Act, the Director shall prepare and submit to Con-
12 gress recommended legislation containing the amend-
13 ments.

14 **TITLE III—COMMISSION ON**
15 **FOOD SAFETY AND INSPECTION**

16 **SEC. 301. ESTABLISHMENT.**

17 There is established a Commission to be known as
18 the Commission on Food Safety and Inspection (referred
19 to in this title as the “Commission”).

20 **SEC. 302. MEMBERSHIP.**

21 (a) COMPOSITION.—

22 (1) GENERAL MEMBERSHIP.—The Commission
23 shall be composed of 15 members appointed by the
24 President, of whom—

1 (A) 5 shall be representatives of food proc-
2 essing organizations;

3 (B) 5 shall be representatives of agri-
4 culture organizations; and

5 (C) 5 shall be representatives of non-
6 governmental consumer organizations.

7 (2) EX-OFFICIO MEMBERS.—The Secretaries of
8 Agriculture, Commerce, and Health and Human
9 Services shall serve as ex-officio, nonvoting members
10 of the Commission.

11 (3) CHAIRPERSON.—The Director shall serve as
12 the Chairperson of the Commission.

13 (b) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
14 bers shall be appointed for the life of the Commission. Any
15 vacancy in the Commission shall not affect the powers of
16 the Commission, and shall be filled in the same manner
17 as the original appointment.

18 **SEC. 303. UNIFORM FOOD SAFETY AND INSPECTION SYS-**
19 **TEM.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Commission shall de-
22 velop and prepare a uniform system of risk-based food
23 safety and inspection.

1 (b) SUBMISSION TO CONGRESS.—Upon completion of
2 the uniform system, the Commission shall, for the purpose
3 of receiving comments and recommendations——

4 (1) submit copies of the uniform system to the
5 Committees on Agriculture, Nutrition, and Forestry
6 and Labor and Human Resources of the Senate and
7 the Committees on Agriculture and Energy and
8 Commerce of the House of Representatives; and

9 (2) make copies available to the public.

10 (c) PUBLIC COMMENT.—The Commission shall hold
11 a hearing to solicit public comments on the draft uniform
12 system.

13 (d) FINAL DRAFT.—Not later than 180 days after
14 submission of the draft uniform system to the Committees
15 specified in subsection (b)(1), the Commission shall pre-
16 pare a final draft of the uniform system of food safety
17 and inspection, taking into account comments received
18 under subsections (b) and (c).

19 **SEC. 304. POWERS OF THE COMMISSION.**

20 (a) HEARINGS.—The Commission may hold such
21 hearings, sit and act at such times and places, take such
22 testimony, and receive such evidence as the Commission
23 considers advisable to carry out the purposes of this title.

24 (b) INFORMATION FROM FEDERAL AGENCIES.—The
25 Commission may secure directly from any Federal depart-

1 ment or agency such information as the Commission con-
2 siders necessary to carry out this title. Upon request of
3 the Chairman of the Commission, the head of the depart-
4 ment or agency shall furnish the information to the Com-
5 mission.

6 (c) POSTAL SERVICES.—The Commission may use
7 the United States mails in the same manner and under
8 the same conditions as other departments and agencies of
9 the Federal Government.

10 **SEC. 305. ADMINISTRATIVE MATTERS.**

11 (a) COMPENSATION.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 members of the Commission shall serve without com-
14 pensation.

15 (2) TRAVEL EXPENSES.—A member of the
16 Commission shall be allowed travel expenses, includ-
17 ing per diem in lieu of subsistence, at rates author-
18 ized for employees of agencies under subchapter I of
19 chapter 57 of title 5, United States Code, while
20 away from the home or regular place of business of
21 the member in the performance of services for the
22 Commission.

23 (b) STAFF.—

24 (1) IN GENERAL.—The Chairperson of the
25 Commission may, without regard to the civil service

1 laws and regulations, appoint and terminate the em-
2 ployment of an executive director and such other ad-
3 ditional personnel as may be necessary to enable the
4 Commission to perform the duties of the Commis-
5 sion. The employment of an executive director shall
6 be subject to confirmation by the Commission.

7 (2) COMPENSATION.—The Chairperson of the
8 Commission may fix the compensation of the execu-
9 tive director and other personnel without regard to
10 the provisions of chapter 51 and subchapter III of
11 chapter 53 of title 5, United States Code, relating
12 to classification of positions and General Schedule
13 pay rates, except that the rate of pay for the execu-
14 tive director and other personnel may not exceed the
15 rate payable for level V of the Executive Schedule
16 under section 5316 of such title.

17 (c) DETAIL OF GOVERNMENT EMPLOYEES.—A Fed-
18 eral Government employee may be detailed to the Commis-
19 sion without reimbursement. The detail shall be without
20 interruption or loss of civil service status or privilege.

21 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-
22 TENT SERVICES.—The Chairperson of the Commission
23 may procure temporary and intermittent services under
24 section 3109(b) of title 5, United States Code, at rates
25 for individuals that do not exceed the daily equivalent of

1 the annual rate of basic pay prescribed for level V of the
2 Executive Schedule under section 5316 of such title.

3 (e) TERMINATION.—The Commission shall terminate
4 30 days after the date on which the Commission completes
5 the final draft of the uniform food safety and inspection
6 system under section 303(d).

7 **TITLE IV—GENERAL** 8 **PROVISIONS**

9 **SEC. 401. REPORTS.**

10 On the date that is 1 year after the date of the enact-
11 ment of this Act, and 3 years thereafter, the Director shall
12 report to Congress on the estimated additional cost of im-
13 plementing this Act over the cost as if this Act had not
14 been implemented.

15 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums
17 as are necessary to carry out this Act and the amendments
18 made by this Act.

19 **SEC. 403. EFFECTIVE DATE.**

20 (a) IN GENERAL.—Except as provided in subsection
21 (b), this Act and the amendments made by this Act shall
22 become effective on the earlier of—

23 (1) such date during the 180-day period begin-
24 ning on the date of enactment of this Act as the
25 President may direct in an Executive order; or

1 (2) the date that is 180 days after the date of
2 the enactment of this Act.

3 (b) COMMISSION.—Title III shall become effective on
4 the date of enactment of this Act.

○

S 1349 IS——2

S 1349 IS——3

S 1349 IS——4